REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action dated March 13, 2006 (hereinafter Office Action). As this response is timely filed before the expiration of the 3-month shortened statutory period, no fee is believed due.

Claims 1-2, 4-8, 10-15, 17-26, 28-32, 34-39, 41-48 were rejected under 35 U.S.C. §103 (a) as being unpatentable over U.S. Patent No. 6,539,232 to Hendrey *et al.* (hereinafter Hendrey), in view of non-patent literature Zimmerman, "Personal Area Networks: Near-field Intra-body Communication", IBM Systems Journal, 1996 (hereinafter Zimmerman). Claims 3 and 27 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Hendrey.

Applicants have amended independent Claims 1, 10, 17, 20, 25, 34, 41, and 44 to emphasize certain aspects of the invention. Applicants also have added Claims 49 and 50 to emphasize certain additional aspects of the invention. The claim amendments and newly-presented claims are fully supported throughout the Specification. No new matter has been introduced by the amendments.

Applicants' Invention

It may be useful at this juncture to reiterate certain aspects of Applicants' invention. One embodiment of the invention, typified by Claim 1, as amended, is a method for common contact identification. The method can include receiving in a first portable computing device, corresponding to a first user, a local communication from a second portable computing device corresponding to a second user. According to the method, the local communication can identify the second user.

The method also can include receiving at a central receiving station a non-local wireless communication from the first portable computing device identifying at least the

first and said second user. Additionally, the method can include accessing a data store comprising contact information corresponding to the first and second users so as to determine whether the first and second users have at least one common contact.

The method further can include sending at least one subsequent non-local wireless communication to at least one of said first and second portable computing devices if at least one common contact between the first and second users is determined to exist. The at least one subsequent non-local wireless communication, more particularly, can provide to the first user an identifier identifying that second user as having at least one contact in common with said first user. (See, e.g., Specification, p. 2, line 26 – p. 3, line 7; p. 3, line 26 – p. 4, line 2; and p. 6, lines 1-12.)

The identifier can be conveyed via a non-local wireless communication to the first user's device, the second user's device, or to both. (See, e.g., Specification, p. 2, lines 5-7; and p. 6, lines 19-20; see also p. 7, lines 19-24.) The identifier can be, for example, a visual identifier, such as a name, one or more symbols, or text. (See, e.g., Specification, p. 6, lines 20-23; and p. 9, line 9 – p. 10, line 26.) In a particular embodiment, the identifier is a visual identifier that is sent via a communication to the second user's device, the identifier, in turn, being conveyed to a visual display worn by the second user so that when the first user sees the displayed identifier, the first user will recognize that the second user shares a common contact with the first user. (See, e.g., Specification, p. 6, lines 1-12; and p. 10, lines 5-26.)

The Claims Define Over The Prior Art

As already noted each of the independent claims, Claims 1, 10, 17, 20, 25, 34, 41, and 44, were rejected as being unpatentable over Hendrey in view of Zimmerman.

At page 3 of the Office Action it is stated that Hendrey teaches the sending of a communication to two devices, the communication identifying a common contact. Two

portions of Hendrey are cited as disclosing this feature. The first portion describes Hendrey's manner of "initiating a telecommunications connection" and reads as follows:

> "[T]here is a computer readable medium for storing computer readable instructions that, when executed by a processor, cause a computing device to perform a set of steps for initiating a telecommunications connection. The set of steps includes the step of connecting a first telecommunications unit (TU) to a second TU when a predetermined criteria is met. The predetermined criteria includes the first and second TUs being within a predetermined distance of each other, and a first user associated with the first TU being connected to a second user associated with the second TU in a graph representing relationships among users." (Col. 2, lines 48-59.) (Emphasis Supplied.)

Following is the second portion of Hendrey cited in the Office Action as disclosing the sending of a communication regarding a common contact. This portion describes the steps of an "automatic connection algorithm" for connecting the first and second TUs:

> "[T]he system compares the distance between the first and second user against a predetermined maximum threshold distance (for example, 50 meters), and also compares the degree of separation between the first and second user (for example, 2 degrees of separation, indicating that the two users have a friend in common). Other connection decision criteria are possible, including specifically the ability for users to set their own preferred distance thresholds and degree of separation thresholds . . . ." (Col. 19, lines 55-66.) (Emphasis Supplied)

The language in both of the cited portions makes explicit the focus of Hendrey, namely, that of determining when to establish a "telecommunications connection" between two different "telecommunication units" or TUs. Moreover, it should be emphasized that the "indicating" in Hendrey pertains to the underlying rationale of the "degree of separation" criterion, and not to an indication or *identifier* that is actually conveyed to one or more users via a communication.

More fundamentally, the language makes explicit a number of fundamental differences between Hendrey and Applicants' invention. Firstly, Hendrey does not send a message; Hendrey establishes a *connection* between telecommunication units. The establishing of the connection, even if based upon a predetermined "degree of separation" (e.g., having "a friend in common"), is not the same or inherently similar to sending a *communication* or *message* that indicates a common contact, as recited in each of the independent claims, as amended. Hendrey does not teach or suggest the sending of a communication or message in response to determining that two telephone users share a common contact.

It follows that Hendrey does not teach or suggest, more particularly, the sending of a communication or message that provides a first user an identifier identifying the second user as sharing a common contact with the first user, as explicitly recited in the amended independent claims. With Hendrey, a user may be aware that, if a connection is established, it is only because the other user with whom the connection is established meets some predetermined degrees of separation criterion. But with Hendrey there is no communication or message sent to the first user. Only by inference from a connection's having been established is the first user aware of the degree of separation, and then only if the first user knows the specific criterion. Even if, based upon the establishment of a connection with a second user, the first user infers that the connection is established with someone who meets the degrees of separation criterion, it remains that the first user has not received a communication that provides the first user with an identifier identifying

the second user as sharing a contact with the second user. Moreover, Hendrey provides no mechanism whereby the second user is identified to the first user, as further recited in each of the claims.

Because Hendrey fails to teach or suggest the sending of a communication in response to determining that a first and second user share a common contact, it further follows that Hendrey does not teach or suggest that the communication identifying the second user is conveyed by a third party, namely, a receiving station as recited in amended independent Claims 1, 10, 25, and 34

Hendrey also fails to teach or suggest the sending of a communication to a first user that identifies a particular common contact shared with a second user. As already noted, Hendrey only establishes a connection based upon a degrees of separation criterion. Even if the first user can infer from the establishment of a connection with a second user that they meet the criterion, Hendrey provides no communication to the first user apart from establishment of the connection, and therefore, Hendrey does not teach or suggest sending to the first user a communication that provides an indication as to just who the shared common contact is, as expressly recited in amended independent Claims 10 and 34.

Zimmerman is only cited against independent Claims 1, 10, 17, 20, 25, 34, 41, and 44 for teaching that wireless communications can comprise intra-body near-field communications. (See Office Action, p. 3.) Nowhere, however, does Zimmerman teach or suggest the features of Applicants' invention lacking in Hendrey.

Accordingly, the combination of Hendrey in view of Zimmerman fails to teach or suggest every feature recited in independent Claims 1, 10, 17, 20, 25, 34, 41, and 44, as amended. Applicants respectfully assert that each of the independent claims, as amended, defines over the prior art. Applicants further respectfully assert that whereas the remaining dependent claims each depend from one of the amended independent

claims while reciting additional features, each of the dependent claims likewise defines over the prior art.

The Newly-Presented Claims

With respect to newly-presented Claim 49, Hendrey likewise fails to teach or suggest each of the features recited in the claim. For example, Hendrey fails to teach or suggest the sending of a communication to either a first user's device or a second user's device wherein the communication provides an identifier that identifies the second user as having a common contact shared with the first user. It follows, therefore, that Hendrey further fails to teach or suggest that the identifier can be a visual identifier. It further follows that Hendrey also fails to teach or suggest that the visual identifier is electronically conveyed to a display unit worn by the second user such that the visual identifier can be seen by the first user when the first user is within a range of vision to view the display unit, as expressly recited in newly-presented Claim 49.

With respect to newly-presented Claim 50, Hendrey also fails to teach or suggest the features recited in the claim. Since Hendrey fails to teach or suggest the sending of a communication that provides a visual identifier that is displayed by a device worn by the second user, it follows that Hendry further fails to teach or suggest that the visual identifier also identifies the common contact shared by the first user and the second user, as recited in newly-presented Claim 50.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the

undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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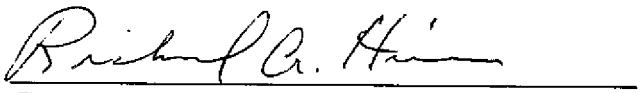

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